

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SYNQOR, INC.

Plaintiff,

v.

CISCO SYSTEMS, INC.

Defendant.

Civ. No. 2:14-CV-286-MHS-CMC

JURY TRIAL DEMANDED

SYNQOR, INC.

Plaintiff,

v.

VICOR CORPORATION

Defendant.

Civ. No. 2:14-CV-287-MHS-CMC

JURY TRIAL DEMANDED

**JOINT MOTION REGARDING THE RESOLUTION OF OBJECTIONS TO EXHIBITS
AND DEPOSITION DESIGNATIONS**

Plaintiff SynQor, Inc., Defendant Cisco Systems, Inc., and Defendant Vicor Corp. hereby respectfully move the Court to enter the attached order regarding the resolution of objections to trial exhibits and deposition designations in the above-referenced cases.

The parties have identified a large number of trial exhibits and designated deposition transcripts from numerous witnesses. The parties have met and conferred to reach agreement on a process for continuing to meet and confer, organizing, and winnowing down objections into a form appropriate for presenting any remaining disputed issues to the Court for resolution at the pretrial conference in each case. The parties have considered this Court's Order Regarding

Objections to Deposition Designations and Exhibits in Case No. 2:11-cv-444 (Dkt. 402) as instructive in this regard. Now that the parties have exchanged exhibit list objections and deposition designation objections in accordance with the Court's Scheduling Order, and have completed an agreed schedule for the exchange of objections to counter-designations and objections to counter-counter designations, the parties propose the following procedures:

The parties will engage in meaningful discussions regarding limiting objections to exhibits and deposition designations. The parties will work together to categorize and winnow objections to disputed issues that can be argued collectively in discrete groupings.

Exhibit Lists

On or before September 22, 2014, at 8:30 A.M. (the day before the first scheduling conference in these cases), the parties shall provide the Court with a notebook containing a description of remaining objections to contested exhibits. The parties shall group the exhibits into broad categories that can be argued collectively, including those objections that rise and fall with the Court's resolution of motions in limine or other pending motions. The contested exhibits must be available for review at the previously scheduled pretrial conferences to assist the Court in ruling.

Deposition Designations

On or before September 22, 2014, at 8:30 A.M. (the day before the first scheduling conference in these cases), the parties shall also provide the Court a separate notebook or notebooks with objected to deposition designations. The parties shall also group objections to deposition designations into broad categories that can be argued collectively, including those objections that rise and fall with the Court's resolution of motions in limine or other pending motions. The notebooks will also include the objected-to portions of the deposition transcripts for a given category, with highlighting indicating the party designating the testimony, immediately following each grouping so the Court can more rapidly read the deposition designations as well as the basis for the party's objections.

Because of the number of depositions that have been designated in these cases and the fact that a given deposition may touch on numerous topics or be objectionable for numerous different or unique reasons, the parties further agree to meet and confer to:

1. Identify witnesses who the parties intend to bring live to trial and to reach agreements to defer objections to deposition testimony for witnesses who will not be unavailable at trial (with the understanding that the deposition testimony may be used for impeachment when the witness testifies live or relied on by experts);
2. Identify witnesses for whom designations or objections will be withdrawn based on the Court's rulings on motions in limine or other motions;
3. Categorize witnesses with common objections; and
4. Categorize objections within each witness category;
5. Exchange the above proposed groupings along with identification of the testimony to be included within each group and the accompanying transcript excerpts to enable review and discussion.

In light of the parties' proposal for working through these issues, the parties respectfully request relief from the Scheduling Order's requirement in each case at II.8.C.iii that "[r]esponses to objections are due within two business days of the filing of the objections," which was extended to one week for responses to exhibit list objections by separate order. The parties respectfully submit that the process outlined above along with a chance to review the parties' briefing on motions in limine, and any forthcoming rulings from the Court will allow the parties to better winnow down and categorize objections for resolution at the pretrial conference. The parties bring this motion not for purposes of prejudice or undue delay, but to enable the parties' agreement regarding pretrial procedures and so that substantial justice may be done. A proposed order is attached.

Dated: August 29, 2014

/s/ Thomas D. Rein

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 29, 2014.

/s/ David T. DeZern
David T. DeZern